

MONDAY, APRIL 27, 1981
THIRTY-NINTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Mr. Buford Cockrum, Chaplain Tennessee Preparatory School, Nashville, Tennessee.

Representative Ellis led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

The Speaker announced that Representative Frensley was excused because of illness.

The Speaker announced that Representative Bragg was excused because of business.

The Speaker announced that Representative Stafford was excused because of illness.

Mr. Scruggs moved that the rules be suspended for the purpose of introducing House Resolution No. 44 out of order, which motion prevailed.

House Resolution No. 44—Relative to honoring Representative Jim Hudson—By Scruggs, Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby),

Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Scruggs, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 32, 217, 253, 297, 320, 357, 417, 566, 600, 772, 942, 985, 1229, 1262, 1263 and 1271 and House Joint Resolutions Nos. 55, 72, 93, 144, 145, 146 and 147, with his approval.

JULIA GIBBONS,
Counsel to the Governor.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 276, 310, 340, 341, 387, 519, 592, 688, 759, 826, 924, 941, 969, 1131, 1253, 1277, 1281, 1283 and 1284; House Resolutions Nos. 42 and 43; and House Joint Resolutions Nos. 110, 168, 169, 170, 172, 173, 175, 177, 179, 180, 181, 183, 184, 186, 191 and 201; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 276, 310, 340, 341, 387, 519, 592, 688, 759, 826, 924, 941, 969, 1131, 1253, 1277, 1281, 1283 and 1284; House Resolutions Nos. 42 and 43; House Joint Resolutions Nos. 110, 168, 169, 170, 172, 173, 175, 177, 179, 180, 181, 183, 184, 186, 191 and 201.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, April 27, 1981: House Bills Nos. 437, 1270, 41, 1289, 1290, 1291 and 1297; Senate Joint Resolutions Nos. 90, 110, 114 and 115; House Resolutions Nos. 40 and 41; House Joint Resolutions Nos. 193, 194, 196, 198, 200 and 203.

GILL, Chairman.

CALENDAR

Ms. DeBerry moved that House Bill No. 488 be placed on the Calendar for Monday, May 11, 1981, which motion prevailed.

House Bill No. 56—To exempt from sales tax, certain products, resource recovery facilities.

On motion, House Bill No. 56 was made to conform with Senate Bill No. 189.

On motion, Senate Bill No. 189, on same subject, was substituted for House Bill No. 56.

Mr. Dills moved that Senate Bill No. 189 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

Representatives present and not voting were: Cobb and Spence—2.

A motion to reconsider was tabled.

Ms. Bell (Knox) moved that House Bill No. 474 be placed on the Calendar for Monday, May 11, 1981, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 763—To provide sick leave incentive pay plan, state employees.

Mr. Chiles moved that House Bill No. 763 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

House Bill No. 962—To require reimbursement, certain incarceration costs.

Mr. Burnett moved that House Bill No. 962 be passed on third and final consideration.

Mr. Burnett moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 962 by deleting Section 2 in its entirety and substituting instead the following new section:

SECTION—. The warden or chief administrator of each Tennessee correctional institute shall forward a list to the district attorney general on each prisoner sentenced in a county which the district attorney general serves. The list shall contain the name of the prisoner, the term of his sentence, the date of his admission, together with all information available on the financial responsibility of such prisoner. Such report shall be made on or before the tenth (10th) day of each month.

AND FURTHER AMEND by deleting from Section 3 the following language:

“The comptroller”

and substituting instead the following language:

“Each district attorney general.”

AND FURTHER AMEND by deleting from the first sentence of Section 4 the words “the comptroller or”.

AND FURTHER AMEND by deleting from the twelfth sentence of Section 4 the words “the comptroller or”.

AND FURTHER AMEND by deleting from the first sentence of Section 6 the words “the comptroller of the state of Tennessee or”.

AND FURTHER AMEND by deleting from the last sentence of Section 6 the words “comptroller or”.

AND FURTHER AMEND by deleting from Section 7 the phrase “comptroller or” wherever it may appear.

AND FURTHER AMEND by deleting from the second sentence of Section 8 the words, “The comptroller” and substituting instead the words, “Each district attorney general”.

AND FURTHER AMEND by deleting the last sentence of Section 8 in its entirety.

On motion, the amendment was adopted.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 962 by adding the following to the amendatory language of Section 9:

Each prisoner shall be granted an exemption from the provisions of this act in the amount of five thousand dollars (\$5,000). Such exemption may be taken for cash, real or personal property the prisoner may possess or a combination of any of the above so long as such aggregate does not exceed such exemption.

On motion, the amendment was adopted.

Thereupon, House Bill No. 962, as amended, passed its third and final consideration by the following vote:

Ayes	85
Noes	5

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Dispayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—85.

Representatives voting no were: DeBerry, McKinney, Montgomery, Owen and Rhinehart—5.

A motion to reconsider was tabled.

House Bill No. 251—To amend Section 67-5812, Code.

On motion, House Bill No. 251 was made to conform with Senate Bill No. 405.

On motion, Senate Bill No. 405, on same subject, was substituted for House Bill No. 251.

Mr. McKinney moved that Senate Bill No. 405 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	2
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dispayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—88.

Representatives voting no were: Chiles and Spence—2.

Representatives present and not voting were: Brewer and Jones—2.

A motion to reconsider was tabled.

House Bill No. 958—To clarify rules of appellate procedures.

Mr. Burnett moved that House Bill No. 958 be passed on third and final consideration.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 958 in Section 1, item (10) by deleting the period at the end of the item and substituting instead the following:

, except Section 27-3-128.

AND FURTHER AMEND in Section 2, item (15) by deleting the item in its entirety.

On motion, the amendment was adopted.

Thereupon, House Bill No. 958, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

House Bill No. 1101—To provide for placement on ballots of constitutional amendments.

Mr. Wallace moved that House Bill No. 1101 be passed on third and final consideration.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1101 by deleting from the amendatory language of Section 1 the word "after" and substituting instead the word "before".

On motion, the amendment failed.

Thereupon, House Bill No. 1101, passed its third and final consideration by the following vote:

Ayes	85
Noes	6

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills,

Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, and Yelton—85.

Representatives voting no were: Bell (Wilson), Brewer, DeBerry, Murray, Pruitt and Work—6.

A motion to reconsider was tabled.

House Bill No. 422—To make certain provisions, property tax exemptions.

On motion, House Bill No. 422 was made to conform with Senate Bill No. 611.

On motion, Senate Bill No. 611, on same subject, was substituted for House Bill No. 422.

Mr. Scruggs moved that Senate Bill No. 611 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 611 by inserting after the second comma in Section 2 the following language:

“and shall expire on July 1, 1982,”

On motion, the amendment was adopted.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 611 by adding a section:

“This act shall not apply in counties having a population of not less than 250,000 nor more than 255,000 according to the 1970 US Census or any census thereafter”

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 611, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson

(Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

Mr. Brewer moved that House Bill No. 951 be placed on the Calendar for Tuesday, April 28, 1981, which motion prevailed.

Mr. Murphy (Davidson) moved that Senate Bill No. 769 be placed on the Calendar for Thursday, April 30, 1981, which motion prevailed.

Mr. McNally moved that House Bill No. 1062 be placed on the Calendar for Wednesday, April 29, 1981 which motion prevailed.

House Bill No. 573—To regulate purchase, money security interests.

On motion, House Bill No. 573 was made to conform with Senate Bill No. 753.

On motion, Senate Bill No. 753, on same subject, was substituted for House Bill No. 573.

Mr. Rhinehart moved that Senate Bill No. 753 be passed on third and final consideration.

Ms. Bell (Knox) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 753 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

(c) taken pursuant to subsection (a) or (b), and represents an accumulation made without additional consideration of two or more previous transactions under subsection (a) or (b) in which there remains an unpaid balance, but only to the extent of the unpaid balance in the collateral of each previous transaction.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 753, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

Representatives voting no were: Copeland, Gaia and Spence—3.

MONDAY, APRIL 27, 1981—39th LEGISLATIVE DAY

A motion to reconsider was tabled.

House Bill No. 760—To regulate sale or exchange, certain substances.

Mr. McNally moved that House Bill No. 760 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 760 by designating the existing amendatory language of Section 1 as subsection (a) and by adding the following new subsections:

(b) It shall be illegal in this state to manufacture, deliver or possess counterfeit controlled substances as defined by Tennessee Code Annotated, Section 52-1409(d), or legend drugs as defined by Tennessee Code Annotated, Section 52-1201, falsely represented as controlled substances or legend drugs.

(c) It shall further be illegal to possess any tool, machine or other implement with the intent to unlawfully sell, manufacture, or deliver any counterfeit controlled substance or legend drug.

On motion, the amendment was adopted.

Mr. McNally moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 760 by inserting between the word "manufacture," and "deliver" in the amendatory language of subsection (b) the word "sell,".

AND FURTHER AMEND by adding the following new subsections:

(d) The provisions of this section shall not apply to any person who sells a placebo to a licensed physician or pharmacist nor shall such section apply to a licensed physician, pharmacist or any person acting under such physician or pharmacist's direction, who sells, dispenses, administers, or otherwise distributes a placebo to a patient of such physician for purposes of medical treatment of such patient.

(e) Any person violating the provisions of subsection (b) (c) and (d) of this section shall be guilty of a felony and, upon conviction, punished by imprisonment for a period of not less than one (1) nor more than one (1) year or by a fine not to exceed five thousand dollars (\$5,000) or, in the discretion of the jury or court, by both fine and imprisonment.

On motion, the amendment was adopted.

Mr. McNally moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 760 by deleting the amendatory language of subsection (a) of Section 1 in its entirety and renumbering the remaining subsections accordingly.

On motion, the amendment was adopted.

Mr. McNally moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 760 by adding the following section immediately preceding the final section and by renumbering such final section accordingly:

SECTION— If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Mr. McNally moved that House Bill No. 760 be placed on the Calendar for Tuesday, April 28, 1981, which motion prevailed.

CONSENT CALENDAR

OBJECTION

An objection was filed to the following bill on the Consent Calendar:

Mr. Copeland objected to House Bill No. 41.

Under the rules, House Bill No. 41 was placed at the foot of the Calendar for Tuesday, April 28, 1981.

House Bill No. 437—To allow counties to levy certain tax.

On motion, House Bill No. 437 was made to conform with Senate Bill No. 833.

On motion, Senate Bill No. 833, on same subject, was substituted for House Bill No. 437.

House Bill No. 1270—To amend fees, registers in certain counties.

House Bill No. 1289—To make certain provisions, Knox County government.

House Bill No. 1290—To amend Charter, Lewisburg.

House Bill No. 1291—To make certain provisions, Crockett County courts.

House Bill No. 1297—To create special school district, Carroll County.

Senate Joint Resolution No. 90—Relative to congratulating Beech High School girls basketball team.

Senate Joint Resolution No. 110—Relative to memory, former Representative Henry Lee Senter.

Senate Joint Resolution No. 114—Relative to commending Clover Bottom Developmental Center and Staff.

Senate Joint Resolution No. 115—Relative to congratulating astronauts and staff, Space Shuttle Columbia.

House Resolution No. 40—Relative to commending Linda Ilene "Ida" Solomon.

House Resolution No. 41—Relative to commending Dwight H. Lewis.

House Joint Resolution No. 193—Relative to placing marker, Smith County.

House Joint Resolution No. 194—Relative to memory, Edwin F. Hunt.

House Joint Resolution No. 196—Relative to honoring Viet Nam Veterans.

House Joint Resolution No. 198—Relative to honoring Oak Ridge Rowing Association.

House Joint Resolution No. 200—Relative to naming McAlen Foutch Highway.

House Joint Resolution No. 203—Relative to memory, Judge Wilfred Gillenwater.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	93
Noes	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Har-rill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

383—To amend Title 63, Chapter 6, Code;

622—To amend Section 20-5-110, Code;

629—To regulate placement of children, T.P.S.;

701—To make certain provisions, qualifying petitions;

797—To amend Title 37, Chapter 15, Code;

852—To change boundary line, Trousdale and Wilson counties;

886—To permit establishment, certain foreign trade sub-zones;

893—To amend Section 7-34-102 (3), Code;

984—To amend Section 56-6-410, Code;

1019—To amend Title 56, Chapter 32, Code;

1174—To amend Section 40-4107, Code; all substituted for Senate Bills on same subject

and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Smith moved that the rules be suspended for the purpose of introducing House Resolution No. 45 out of order, which motion prevailed.

House Resolution No. 45—Relative to wishing Representative Benny Stafford speedy recovery—By Henry (Roane), Smith, Murphy (Davidson), Burnett, McKinney, Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Smith, the resolution was adopted.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 186—To grant unused sick leave to teachers.

SENATE AMENDMENT NO. 1

Amend House Bill No. 186 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1314(c)(1), is amended by deleting from the ninth sentence the words and figures "December 31, 1967" and substituting instead the words and figures "July 1, 1955".

AND FURTHER AMEND by redesignating Section 2 to be Section 3 and adding a new Section 2 as follows:

SECTION 2. Tennessee Code Annotated, Section 49-1314, is further amended in subsection (c)(2) by deleting the date "July 1, 1965" in the last sentence thereof and substituting instead the date "July 1, 1955".

Mr. Bivens moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis

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(Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Har-
rill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson,
Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney,
McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh,
Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson
(Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley,
Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery,
Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker
McWherter—93.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 243—To enact the teacher's sick leave bank act.

Mr. Scruggs moved that the House concur in Senate Amendment No. 3, which motion
prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley,
Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner),
Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis
(Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Har-
rill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson,
Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney,
McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh,
Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson
(Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley,
Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery,
Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker
McWherter—93.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 311—To make certain provisions, list of absentee voters.

SENATE AMENDMENT NO. 1

Amend House Bill No. 311 by deleting the words "daily newspaper" in the amendatory
language of Section 1 and substituting instead the words "daily or weekly newspaper".

AND FURTHER AMEND by inserting between the first and second sentences of the
amendatory language of Section 1, a new sentence as follows:

The commission may make such daily posting prior to the publication date of a
newspaper published weekly, if it wishes to do so.

Mr. Rhinehart moved that the House concur in Senate Amendment No. 1, which
motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Har-rill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 492

Senate Bill No. 492—To amend Section 41-1257, Code.

Mr. Moore moved that the motion to reconsider Senate Bill No. 492 be lifted from the table, which motion prevailed.

Mr. Moore moved that the House reconsider its action in passing Senate Bill No. 492 on third and final consideration, as amended, which motion prevailed.

Mr. Moore moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

Mr. Moore moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, Senate Bill No. 492, passed its third and final consideration by the follow-ing vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Har-rill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 601—To prohibit transport, certain materials.

SENATE AMENDMENT NO. 2

Amend House Bill No. 601 by inserting the following new section after Section 1 and

renumbering the subsequent sections appropriately:

Section 2. Tennessee Code Annotated, Section 39-4544, is amended by inserting between the words "owner" and "of any motor vehicle" in the first line of the second paragraph the words and punctuation

, driver or the driver's supervisor

SENATE AMENDMENT NO. 3

Amend House Bill No. 601 by adding at the end of the amendatory language of Section 1, a new paragraph as follows:

Provided, however, if such motor vehicle is a pick-up truck, the provisions of this act shall be construed to be complied with if the material on such pick-up truck is secured in such a way as to reasonable ensure that it will not fall or be blown off the vehicle. All other vehicles shall be required to have the refuse material covered or enclosed as provided in the preceding paragraph.

Mr. Baker moved that the House non-concur in Senate Amendments Nos. 2 and 3, which motion prevailed.

Mr. Harrill moved that House Bill No. 1298 be recalled from the Committee on Calendar and Rules for immediate consideration, which motion prevailed.

House Bill No. 1298—To repeal Chapter 287, Private Acts, 1980.

Mr. Harrill moved that House Bill No. 1298 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

163—To amend Section 5-5-103, Code.

The Senate concurred in House Amendment No. 1, and nonconcurred in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 204—Relative to expressing sorrow death of Mrs. Lillie Mauser, Maryville—By Henry (Blount).

Under the rules, House Joint Resolution No. 204 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 205—Relative to memory, John Joyce Harris—By Richardson and Miller.

Under the rules, House Joint Resolution No. 205 was referred to the Committee on Calendar and Rules.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 248—To regulate occupation of cosmetology.

Passed first consideration.

Senate Bill No. 351—To amend Sections 2-9-101 and 2-9-112, Code.

Passed first consideration.

Senate Bill 429—To regulate casting votes, certain members, county legislative body.

Passed first consideration.

Senate Bill No. 718—To amend Section 56-7-105, Code.

Passed first consideration.

Senate Bill No. 772—To amend Title 45, Chapter 2, Code.

Passed first consideration.

Senate Bill No. 842—To amend Title 7, Chapter 82, Code.

Passed first consideration.

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Senate Bill No. 1274—To regulate eligibility criteria, Medical Assistance Program.

Passed first consideration.

Senate Bill No. 1297—To amend Shelby County Restructure Act.

Passed first consideration.

Senate Bill No. 1298—To amend Shelby County Restructure Act.

Passed first consideration.

Senate Bill No. 1300—To amend Shelby County Restructure Act.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1306—To create a juvenile court for Obion County.

Passed second consideration and held without reference.

House Bill No. 1307—To regulate requirements unit developments, Shelby County.

Passed second consideration and held without reference.

House Bill No. 1308—To provide for certain zoning districts, Memphis.

Passed second consideration and held without reference.

House Bill No. 1309—To authorize Shelby County to establish health and sanitary codes.

Passed second consideration and held without reference.

House Bill No. 1310—To amend "Shelby County Restructure Act"§.

Passed second consideration and held without reference.

House Bill No. 1311—To amend Chapter 260 of Private Acts of 1974.

Passed second consideration and held without reference.

House Bill No. 1312—To amend Chapter 260 of Private Acts of 1974.

Passed second consideration and held without reference.

House Bill No. 1313—To amend "Shelby County Restructure Act".

Passed second consideration and held without reference.

House Bill No. 1314—To amend Chapter 161 of Private Acts of 1973.

Passed second consideration and held without reference.

House Bill No. 1315—To repeal Sections 13-16-101 through 13-16-117, Code.

Passed second consideration and referred to Committee on State and Local Government.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

716—To amend Section 36-1302, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1305 and 1306.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Tuesday, April 28, 1981:

House Bill No. 452—Moore

House Bill No. 553—Carter

House Bill No. 1104—Naifeh

REQUEST TO CHANGE VOTE

Dear Mr. Speaker:

I would like to change my vote on HB 1037, which was voted on in the House on Monday, April 20, from an aye vote to a nay vote.

It was my intention to oppose this measure and my machine inadvertently recorded an aye vote.

Thank you.

R. BRAD MARTIN

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Tuesday, April 28, 1981: House Bills Nos. 309, 281, 1240, 1009, 1159, 781, 1107, 607, 404, 878, 618, 813, 515, 337 and 1280.

GILL, Chairman.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 941—Baker

House Resolution No. 41—Love

MOTIONS

On motion of Mr. Whitson House Bill No. 1265 was recalled from the Committee on State and Local Government.

On motion of Mr. Whitson, House Bill No. 1265 was withdrawn from the House.

On motion of Mr. Whitson, House Bill No. 1118 was recalled from the Committee on Transportation.

On motion of Mr. Whitson, House Bill No. 1118 was withdrawn from the House.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 763 and 1101; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 958, 962, 1270, 1289, 1290, 1291, 1297 and 1298; and House Joint Resolutions Nos. 193, 194, 196, 198, 200 and 203; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Burnett the House adjourned until 1:30 p.m., tomorrow.